

TERMINAL DISCLAIMER MEMO

DATE: 11/15/96
EXAMINER Clark

APPL. S.N.: 08/030 194
ART UNIT: E 2503

FROM: PARALEGAL GROUP 2500

SUBJECT: DECISION ON TERMINAL DISCLAIMER (T.D.) FILED 10/21/96

- [] The T.D. is PROPER and has been recorded. (See 14.23)
- [] The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (See 14.24):
- [] The recording fee of \$ _____ has not been submitted nor is there any authorization in the application file for the use of a deposit account. (See 14.25)
- [] The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of interest of the business entity represented by the signature) in the application/patent. (See 14.27 & 14.26.1)
- [] The T.D. lacks the enforceable only during the common ownership clause - needed to overcome a double patenting rejection Rule 321(c). (See 14.27.1) See Attachment No. 1, paragraph 1.
- [] It is directed to a particular claim or claims, which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted." (MPEP 1490) (See 14.26, 14.26.2)
- [] The person who signed the T.D.:
- [] has failed to state his/her capacity to sign for the business entity (See 14.28)
- [] is not recognized as an officer of the assignee (See 14.29 and possibly 14.29.1) See attachment No. 1, paragraph 3.
- [] No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is there reel an frame number specified as to where such evidence is recorded in the Office. 37 CFR 3.73(b) See Attachment No. 3.
- [] No statement specifying that the evidentiary document have been reviewed and that, to the best of the assignee's knowledge and belief title is in the assignee seeking to take action. 37 CFR 3.73(b). See 1140 O.G. 72. See Attachment Nos. 2 & 3.
- [] The T.D. is not signed. (See 14.26, 14.26.3)
- [] The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect. (See 14.32)
- [] The serial number of this application being disclaimed is missing or incorrect. (See 14.26, 14.26.4 or 14.26.5)
- [] The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)
- [] Verified statement needed. See Attachment No. 1, paragraph 4.
- [] T.D. cannot obviate a rejection of double patenting under 35 USC 101. Only judicial (obviousness) double patenting can be obviated by a T.D.
- [] The T.D. date is earlier/latter than the true expiration date. The applicant may provide a substitute T.D.
- [] OTHER

DO NOT MAIL TO THE APPLICANT